

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 1, 6-62, 64 and 65 are pending in the application. Claims 6-61 are withdrawn from consideration as being directed to a non-elected species.

Claim 65 is rejected as unpatentable over YONEYAMA 5,959,769 in view of Austrian Patent Publication No. AT000307 (AT-307). This rejection is respectfully traversed.

Claim 65 is amended and recites that at least one optical element is movable along a curved path.

As seen in Figures 2A and 2B of YONEYAMA, correction lenses 14R, 14L are only movable perpendicular to the optical axis of the optical systems (comprising the eyepieces and the objective lenses).

AT-307 does not teach or suggest an optical element movable along a curved path.

The above noted feature is missing from each of the references is absent from the combination and thus would not have been obvious to one having ordinary skill in the art.

Moreover, there would not have been motivation for combining the references in the manner suggested. Specifically, the objective lens 11L and 11R of YONEYAMA are moved in a direction of the optical axes by a drive 17, 18. By replacing the

drive 17, 18 with a zoom objective as taught by AT-307 (suggested in the Official Action), it would not be possible to obtain a picture in focus when the zoom factor is changed and vice versa, it would not be possible to maintain a given zoom factor when the objective lenses are moved in order to focus a picture, because the focus would not match.

The above statement is based on the change of focal length in YONEYAMA, wherein changing a corresponding distance from the objective lens to the eyepiece changes the focal length. The focal length is also used to change the overall objective lens to change the enlargement (zoom), such that every time the focal length is changed for enlargement, a different objective lens-eyepiece distance is required. Accordingly zoom cannot be changed without changing focus so that it would be impossible to have the zoom of AT-307 in the device of YONEYAMA.

In the present invention, with respect to claim 65, the (front) optical element is shifted, while the relative location of the objective lens and eyepiece is maintained, so that autofocus, parallax compensation and zoom are each possible.

Claims 1, 64 and 65 are rejected as unpatentable over KATO et al. 6,134,048 in view of Austrian Patent Publication No. AT 000307 (AT-307). This rejection is respectfully traversed.

The position set forth in the Official Action is that the embodiment of Figures 4A and 4B of KATO teaches optical elements that move along a curved path (27 and 28). However, this

characterization of KATO is not supported by the disclosure of KATO.

KATO at column 5, lines 46 to 51 in describing Figures 4A and 4B disclose that pins 25 are engaged in cam grooves, 27 and 28. The cam grooves 27 and 28 are parallel to the optical axes 29 and 30 in a first range and are at an angle with respect to the optical axes 29 and 30 in a second range.

One of ordinary skill in the art would not equate a curved path as having any angles. Accordingly, KATO does not disclose a curved path. Rather, as set forth above, KATO teaches an inclined path.

Moreover, in KATO, to match parallaxes either the objective lenses or the eyepieces (Fig. 11) are moved, not optical elements that are distinct from the objective lenses and the eyepieces.

In addition, the motivation for combining KATO with AT-307 suffers from the same defects as the proposed YONEYAMA/AT-307 combination as set forth above.

Specifically, if the objective lens of KATO were replaced by the zoom lens of AT-307, the picture would not be in focus when the zoom factor is changed and vice versa, because the focus would not be adapted to the zoom objective.

KATO teaches changing the focal length by displacing the objective lens with respect to a pertinent eyepiece. However, there is no instance when the enlargement (zoom) can be selected

in this same way at the same time. This is because the inherent focal length of the objective lens is varied for the purpose of changing the enlargement and the distance between the eyepiece and the objective lens is changed to adjust the focal length. Accordingly, changing the enlargement would lead to undesirably poor image quality for a constant eyepiece-objective lens distance. Alternatively, it would not be possible to maintain a given zoom factor when the objective lenses are moved to focus the picture.

Thus, contrary to the assertion in the Official Action, one of ordinary skill in the art would not have been motivated to add a means for changing the magnification factor as taught by AT-307 in the system of KATO, because such device would not function properly in the system of KATO.

Claim 62 is rejected as unpatentable over KATO in view of AT-307 and further in view of KANDA 4,886,340. This rejection is respectfully traversed.

KANDA is only cited for the teaching of a tilting element. KANDA does not teach or suggest what is recited in claim 1. As set forth above, KATO in view of AT-307 does not teach or suggest what is recited in claim 1. Since claim 62 depends from claim 1 and further defines the invention, the proposed combination of references would not render obvious claim 62.

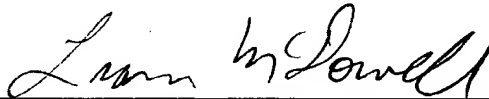
Claim 1 was indicated as generic. Since claim 1 is believed allowable and generic, withdrawn claims 6-61 should also be considered and allowed.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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